

10/810,547

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: THOMPSON ET AL. Original Patent No.: 6,363,200 B1  
Original Patent Filing Date: OCTOBER 13, 2000 Original Patent Issue Date: MARCH 26, 2002  
Reissue Application Filing Date: MARCH 26, 2004 Attorney Docket No.: 2316.926USRE  
Reissue Serial No.: 10/810,547  
Title: OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2004.

By: Kristine A. Wacek  
Name: Kristine A. Wacek

PETITION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Dear Sir:

In accordance with 37 C.F.R. §1.47(a), applicants Patrick Thompson and Anthony L. Tischler, hereby request that the Reissue Declaration filed in the above-referenced application be accepted on behalf of nonsigning inventor, Brian L. Johnson, last known address, 7670 Berkshire Way, North, Maple Grove, MN, 55311. Mr. Johnson has refused or is unavailable to sign the Declaration and diligent efforts, described in the accompanying Statement of Facts, have been made to contact Mr. Johnson. Accordingly, Applicants request that the Reissue Declaration filed herewith, including a blank signature block for Mr. Johnson with his last known address listed, be treated as having been signed on behalf of Mr. Johnson by the signing inventors, as provided in MPEP §409.03(a).

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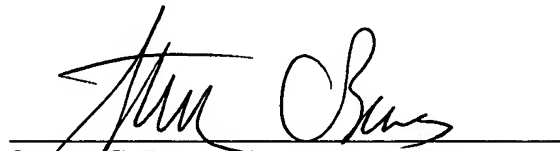
Enclosed is a check for \$130.00 as required under 37 C.F.R. §1.17(h) for the petition fee.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date:

Sept. 22, 2004

  
Steven C. Bruess  
Reg. No. 34,130  
SCB:ARS:PLSkaw



S/N 10/810,547

REISSUE PATENT

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By:

Name:

*Kristine A. Wacek*  
*Kristine A. Wacek*

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR ( 37 C.F.R. 1.47)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**Identification of Person Making this Statement of Facts**

Steven C. Bruess  
Attorney for Patent Assignee ADC Telecommunications, Inc.  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903

**Last Known Address of the Nonsigning Inventor**

Brian L. Johnson, a citizen of the United States of America  
7670 Berkshire Way North  
Maple Grove, Minnesota 55311

**Details of Efforts to Reach Nonsigning Inventor**

On March 26, 2004, a request for reissue was filed with regard to U.S. Patent No. 6,363,200, including new claims added by preliminary amendment. As required by 37 C.F.R. §§1.63, and 1.175, a reissue declaration was prepared for execution by the named inventors of the above-referenced application.

The reissue declaration was presented by me to two of the three named inventors, Patrick Thompson and Anthony L. Tischler, both of whom signed the document stating that they are inventors of the invention claimed in the new claims and that the errors upon which the reissue application is based were made without deceptive intent.

A copy of the reissue declaration, along with a copy of the issued patent and the preliminary amendment with the newly added claims of the reissue application were forwarded to the third inventor, Brian L. Johnson, at his last known address, in a letter dated July 6, 2004. A reply was requested no later than July 26, 2004. A copy of the letter accompanying the declaration, patent and claims is attached herewith.

No reply was received from Mr. Johnson regarding the reissue declaration or the accompanying letter.

On August 30, 2004, I attempted to contact Mr. Johnson at his last known telephone number, (763) 494-3109. Mr. Johnson did not answer. I left a voice mail message at that number for Mr. Johnson, requesting that he contact me at his earliest convenience. The voice mail system did indicate that this was a correct number for reaching a Mr. Brian Johnson.

To date, we have received no reply from Mr. Johnson regarding the reissue declaration.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: \_\_\_\_\_

Sept. 22, 2004

A handwritten signature in black ink, appearing to read "Steven C. Bruess", written over a horizontal line.

Steven C. Bruess  
Reg. No. 34,130  
SCB:ARS:PLSkaw



# Merchant & Gould

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July 6, 2004

Brian L. Johnson  
7670 Berkshire Way North  
Maple Grove, Minnesota 55311

Re: M&G 2316.926-US-RE  
Reissue Application for U.S. Patent No. 6,363,200 in the United States  
OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

Dear Brian:

We represent ADC Telecommunications, Inc., in connection with a recently filed reissue patent application entitled "Outside Plant Fiber Distribution Apparatus and Method" for U.S. Patent No. 6,363,200. New claims 10-34 are being added to the patent as shown in the attached Preliminary Amendment. We understand you, Patrick Thompson, and Anthony Tischler are the inventors of the new claims.

ADC has asked me to contact you directly to obtain your signature for a Patent Office paper. Please find enclosed a Declaration for signature by you after you have reviewed the original patent and Preliminary Amendment as filed.

Adding new claims 10-34 is considered broadening of the patent. Based on our investigation, it was an error made without deceptive intent to not include claims of this scope in the original patent.

Please call me at (612) 336-4711 or Mike Ouyang at (952) 917-0577 if you have any questions. Please return the signed formal papers to me at your earliest convenience, and preferably no later than July 26, 2004.

Minneapolis/St. Paul  
Denver  
Seattle  
Atlanta  
Washington, DC

July 6, 2004

Page 2

Each inventor has a duty of disclosure to the Patent Office pursuant to Rule 56 (a copy of which is attached) as noted in the Declaration. If you have any prior art information not already delivered to ADC, please send it to me.

Very truly yours,

MERCHANT & GOULD P.C.

  
Steven C. Bruess

SCB/ju

Enclosures:

United States Patent No. 6,363,200  
Copy of Preliminary Amendment as filed  
Declaration document for signature  
Copy of Rule 56

cc: Richard R. Carlson, ADC Telecommunications, Inc. (without enclosures)  
Michael Ouyang, ADC Telecommunications, Inc. (without enclosures)